

**To:** Larry Silver[lsilver@lssh-law.com]  
**Cc:** Flanagan, Sarah[Flanagan.Sarah@epa.gov]  
**From:** Fajardo, Juan  
**Sent:** Sat 9/24/2016 12:44:45 PM  
**Subject:** FW: AOC language re de micromis

FYI

**From:** Mugdan, Walter  
**Sent:** Saturday, September 24, 2016 8:42 AM  
**To:** Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>; DiForte, Nicoletta <DiForte.Nicoletta@epa.gov>  
**Subject:** Fwd: AOC language re de micromis

Begin forwarded message:

**From:** "Diamond, Lawrence W." <LWDiamond@duanemorris.com>  
**Date:** September 24, 2016 at 7:58:21 AM EDT  
**To:** "Mugdan, Walter" <Mugdan.Walter@epa.gov>  
**Subject:** Re: AOC language re de micromis

Thanks.

Sent from my iPhone

On Sep 23, 2016, at 6:32 PM, Mugdan, Walter <Mugdan.Walter@epa.gov> wrote:

It would be along the following lines:

"In general, entities that arranged for disposal of PCBs or mercury into the lower 8.3 miles of the Lower Passaic would not likely be considered for de micromis settlements."

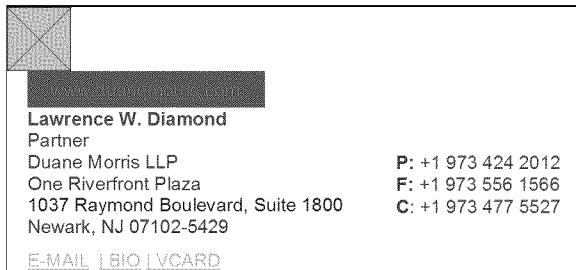
I have not had a chance to run this exact language past my EPA colleagues. I did discuss the concept earlier today with Sarah Flanagan and this language conforms with our discussion. I think it is also consistent with the language of paragraph 97.

On Sep 23, 2016, at 5:59 PM, Diamond, Lawrence W.  
<[LWDiamond@duanemorris.com](mailto:LWDiamond@duanemorris.com)> wrote:

Walter,

Per our discussion earlier today, please email me language that you would consider including in the cover letter regarding otherwise de micromis parties that released PCBs or mercury. I would like not to wait until Monday to provide my client with EPA's proposed language. Thanks.

Larry



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